

MONTANA LEGISLATIVE HISTORY

Chapter 285 19 59

Bill H 15 S _____ Original bill & history C

H. Committee on Public Health Morals & Safety

Hearing Date(s) Jan 15 ✓ C

Jan 20 ✓ C

Jan 22 ✓ C

Jan 26 ✓ C

Date Out Jan 29 ✓ C

S. Committee on Public Health

Hearing Date(s) Feb 22 ✓ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

January 15, 1959

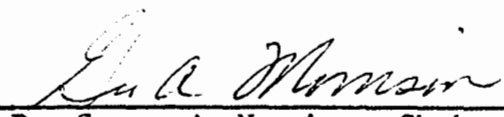
PUBLIC HEALTH, MORALS AND SAFETY COMMITTEE

A meeting of the Public Health, Morals and Safety Committee was held on Thursday, January 15, 1959, 2:15 P.M., in Room 8; the roll call was taken and showed eleven members present.

House Bill No. 15, presented by Chairman Morrison, is a bill for an act entitled: "An act prescribing rules and regulations for numbering and registering motorboats and vessels in the State of Montana; defining terms and designating the Montana State Board of Equalization as the State agency responsible for the administration of said act in the State of Montana; providing minimum equipment requirements for motorboats and vessels; establishing safety regulations for the use and operation of motorboats and vessels in the State of Montana; establishing safety regulations for the use of water-skis, surfboards and similar devices; providing penalties for violation of said act; repealing Sections 94-35-266, 94-35-267, and 94-35-268 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict with this act; providing a savings clause and effective date." Chairman Morrison advised the Committee that it would be necessary to have a public hearing on this bill and at that time appearances would be made by a group from Seattle, the Great Falls Coast Guard and the Sheriff of Lewis and Clark County. It was reported by one of the members that this bill might be reported out of this Committee and given to the Judiciary Committee, however, it was unanimously agreed by the Committee that the bill belonged to this Committee. Upon motion being duly made, seconded and carried a public hearing was set for Tuesday, January 20, 1959, on adjournment, in Room 8.

House Bill No. 39, presented by Chairman Morrison, is a bill for an act entitled: "An act to amend Section 54-125, Revised Codes of Montana, 1947, relating to penalties for violation of the narcotic drug act, to provide for increasing the penalty to one (1) to five (5) years upon conviction of first offense and to provide further for a penalty of from five (5) to twenty (20) years upon a subsequent conviction." This bill merely changes the violation from a "misdemeanor" to a "felony", and does not conflict in any way with the Federal laws. A motion having been made by Representative Emmons, seconded by Representative Wold, that House Bill No. 39 do pass, the same was passed unanimously.

No further discussion, the meeting adjourned.


Dr. George A. Morrison, Chairman

January 20, 1959

PUBLIC HEALTH, MORALS AND SAFETY COMMITTEE

A Public Hearing of the Public Health, Morals and Safety Committee was held on Tuesday, January 20 at 3:00 P. M.; in Room 407 of the Senate, the roll call was taken and showed ten (10) members present.

The meeting was called to order by Chairman Morrison. Mr. Curtis Lees gave general understanding of Bill No. 15. Mr. Hugh Massman, Attorney was present, answering questions regarding legal aspects of this bill. Mr. Don Skerrit, representing the Montana Police Officers and Sheriffs Association, Mr. Ben Hageman, representing the Association of Montana State County Commissioners, and Mr. Ervin of the Canyon Ferry Recreation Association were present as proponents of this bill.

Amendment #1, to Bill #15 was submitted by Representative Emmons and read as follows:

That House Bill No. 15 be amended by deleting in sub-section (a) of Section IV of said act, beginning with the word "and" on line 4 of page 3 of said bill, the following words:

"and evidence that the property tax on the motorboat
or vessel has been paid for the current year."

and to further amend said sub-section (a) of Section IV of said bill by changing the comma predecing the word "and" in line 4 of page 3 of said bill to a period.

Amendment No. 1 having been submitted, discussed and motion being made by Rep. Emmons, seconded by Rep. Wold, that this amendment be adopted, the same was passed unanimously.

Amendment #2 to Bill No. 15, was submitted by Representative Emmons and read as follows:

That House Bill No. 15 be amended by adding a new sub-section (b) to Section IV of said bill and by appropriately redesignating each of the remaining sub-sections of said Section IV; that the new subsection (b) of said Section IV read as follows:

"The numbering requirements of this act shall apply to motorboats or vessels operated by manufacturers or dealers except that the description of the motorboat or vessel shall be omitted from the certificate of number and such number shall be permitted to be transferred from one vessel to another. In lieu of the descriptive material on said certificate of number the word "manufacturer" or "Dealer" as appropriate,, will appear on said certificate. The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to a vessel to be demonstrated or tested so long as the number is exhibited so as to in all other respects meet the requirements of act relating to display of numbers."

January 20, 1959

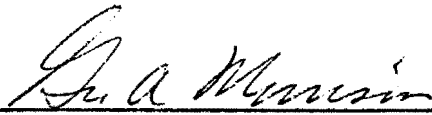
A motion having been made by Representative Emmons, seconded by Representative Clowes that Amendment #2 to Bill No. 15 be adopted, the same was passed unanimously.

Rep. Elting read a letter from residents in the Miles City area pertaining to House Bill No. 15. This letter contained opinions of this bill.

Upon motion being made, it was decided that there be a Sub-Committee appointed for further study and report of House Bill No. 15. Chairman Morrison appointed Representative Elting as Chairman, and Representative Bashor and Representative Kvaalen.

House Bill No. 84, Creation of an Air Pollution Control Council, was presented by Chairman Morrison and introduced by Representative Emmons. It was suggested that a Public Hearing be held at 4:00 P.M., Thursday, January 22, 1959.

No further discussion, meeting adjourned.


Dr. George A. Morrison, Chairman

PUBLIC HEALTH, MORALS AND SAFETY

A Public Hearing of the Public Health, Morals and Safety Committee was held at 2:30 P.M., Room 8. The roll call showed twelve members present.

Chairman Morrison called the meeting to order. Representative Elting, Chairman of Sub-Committee, reported on Bill No. 15, Rules and Regulations regarding motor-boats and vessels, etc.. Upon motion being made by Rep. Elting, seconded by Rep. Haines, it was recommended that House Bill No. 15 be amended. Sub-Committee reports were accepted.

It was proposed that a Substitute Bill be made and Representative Haines made the suggestion that the Sub-Committee work with the proponents on House Bill 15, to draw up a new bill. Seconded by Representative Emmons, motion carried. No further discussion on House Bill No. 15.

House Bill No. 92, Admission of patients to Montana Tuberculosis Sanitarium, was discussed and the following proponents appeared:

Mr. John Harrison, Attorney, Helena, Montana
Past President of Montana TB Association

Dr. Harry Power
President of Montana TB Association
Director of the National Board of TB

Dr. A. C. Knight
Acting Director of Sanitarium at Galen

Dr. Paul R. Ensign, Great Falls, Montana
Public Health Officer
Member of Medical Association
Member of Montana TB Association

Dr. Carlyle Thompson, Helena, Montana
Representative of the State Board of Health

Dr. Amos Little, Helena, Montana
Member Medical Association Legislative Committee

Dr. Ensign stated that from 75-100 persons could be admitted if such a bill was passed. Dr. Ensign also stated that there were twenty-seven states in the Union that have such a bill as this.

A motion was made, seconded and carried that House Bill No. 92 do pass as amended.

A motion was made by Representative Elting, seconded by Representative Healy, that House Bill No. 93, relating to the Protection of citizens from persons having TB in the communicable state, do pass.

A motion was made, seconded and carried that the meeting adjourn.


DR. GEORGE A. MORRISON, CHAIRMAN

January 26, 1959

PUBLIC HEALTH, MORALS AND SAFETY

A meeting of the Public Health, Morals and Safety Committee was held on Monday, January 26, 1959, 2:30 P.M., Room #8; the roll call was taken and showed twelve members present.

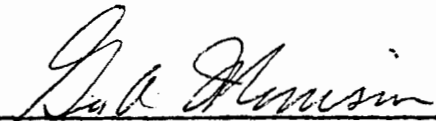
Chairman Morrison called the meeting to order.

Representative Elting took the floor and told the members that it was the opinion of the Sub-committee and proponents that House Bill No. 15, Rules and Regulations of Motorboats and vessels, etc., be redrawn and a substitute bill made. Representative Clowes seconded the motion and motion was carried. House Bill No. 15 was then passed for the day until a substitute bill be presented.

House Bill #92, Admission of patients to Montana TB Sanitarium, was held up because of deletions and additions that had to be made. House Bill #92 needed to define admission to TB Sanitarium and without House Bill #92, House Bill #93 would be obsolete.

A Public Hearing on House Bill No. 84, Creation of an Air Pollution Control Council, will be held on January 27, 1959 on adjournment.

Without further discussion, the meeting was adjourned.


DR. GEORGE A. MORRISON, CHAIRMAN

House Bill No. 15, Rules and regulations concerning motorboats and vessels, etc., was next considered. Representative Elting, Chairman of the Sub-Committee presented a new Substitute House Bill No. 15, including all deletions and additions as read in the last meeting of Public Health, Morals and Safety.

Proponents appearing for House Bill No. 15 were as follows:

Mr. Hugh Massman, Attorney
Helena, Montana

Representative Lees

Mr. Harry Frank
Butte, Montana

Mr. Don Skerrit
Montana Police Officers and Sheriffs Assn.

Representative Haines moved that House Bill No. 15 be killed, seconded by Representative Page. Motion carried.

Representative Elting moved that the committee approve the Substitute House Bill No. 15, seconded by Representative Haines. Motion was carried that Substitute House Bill No. 15, do pass.

House Bill No. 92, Commitment of patients to Montana Tuberculosis Sanitarium - clarifying law, was brought under consideration. Representative Page spoke on this bill and stated that the new Substitute Bill No. 92, would take care of the admission and financial responsibility of the state.

Representative Haines made the motion that House Bill No. 92 be killed, seconded by Representative Page, motion carried.

It was moved by Representative Haines that Substitute House Bill No. 92 be introduced as a committee bill, seconded by Representative Page, motion carried.

House Bill No. 93, Provide for district court commitment proceedings for admission of patients to Tuberculosis Sanitarium, was under consideration. Representative Elting moved that the following amendments be made to House Bill No. 93:

1. On page 6, line 6, after the word "condition" change the comma to a period and then insert the words "after a hearing".
2. On page 6, line 7, after the comma, insert the words "if applicant's disease is found to be non-communicable."

Motion was made by Representative Haines, seconded by Representative Page that the two amendments to House Bill No. 93 be adopted, motion carried.

Motion was made by Representative Elting, seconded by Representative Haines, that House Bill No. 93, do pass as amended. Motion carried.

February 22, 1959

A meeting of the Committee on Public Health and Safety was called to order by the Chairman, Senator Reardon, in Room 401 of the Capitol Building at 3:45 P.M. The following members were present: Senators Reardon, Nees, Cotton, Goodwin, Grant and Balgord.

House Bill No. 171 was discussed and referred to Senator Balgord to go over with Senator Sagunsky and Rep. Picard.

House Bill No. 127 was discussed and Senator Grant made a motion that House Bill No. 127 Be Concurred In. The motion was seconded by Senator Nees and unanimously carried.

Substitute House Bill No. 92 and House Bill No. 93 (companion bills) were discussed. These bills were referred to Senator Cotton to check to see if they are properly drafted.

House Bill No. 267 was discussed and the Chairman informed the committee there would be a hearing on this bill.

House Bill no. 490 was discussed. No action was taken.

House Bill No. 78 was discussed and referred to Senators Grant and Goodwin for further consideration.

House Bill No. 243 was discussed. There will be a hearing on this bill.

House Bill No. 222 was discussed. The committee decided they should have the author of the bill appear and explain the purpose of the bill.

House Bill No. 273 was discussed and held over for an explanation or a hearing.

Substitute House Bill No. 15 was discussed and Senator Grant made a motion that Substitute House Bill No. 15 Be Concurred In. The motion was seconded by Senator Goodwin and unanimously carried.

House Bill No. 121 was discussed and Senator Balgord made a motion that House Bill No. 121 Be Concurred In. The motion was seconded by Senator Goodwin and unanimously carried.

Upon motion duly made, seconded and carried, the meeting adjourned.

Chairman

The resulting factor of .3954 cents (rental per animal-unit for one month) in the foregoing example is hereby rounded to forty cents (40c) per animal-unit for one month to facilitate performance of the computation executed as follows:

*.40 cents for one animal-unit-for-one-month times
12 months*

80

40

*\$ 4.80 rental for one animal-unit for one year times
16 animal unit carrying capacity for the section
of land*

\$28.80

4.80

*results in \$76.80 as the minimum rental for the next
following year for the section of grazing land.*

Additional rate
for period from
February 28,
1960 to
February 28,
1961.

Section 2. For the period beginning after February 28, 1960 and ending February 28, 1961, 10 cents per animal unit shall be added to the animal unit figure resulting from the formula as described in this act to determine the rental fee for state lands during this period. From and after February 28, 1961 the formula contained in section 1 shall apply.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
February 28,
1960.

Section 4. This act shall be in full force and effect from and after the twenty-eighth day of February, 1960.

Approved March 18, 1959.

CHAPTER 285

An Act Prescribing Rules and Regulations for Numbering and Registering Motorboats and Vessels in the

State of Montana; Defining Terms and Designating the Fish and Game Commission of the State of Montana as the State Agency Responsible for the Administration of Said Act in the State of Montana; Providing Minimum Equipment Requirements for Motorboats and Vessels; Establishing Safety Regulations for the Use and Operation of Motorboats and Vessels in the State of Montana; Establishing Safety Regulations for the Use of Water-Skis, Surfboards and Similar Devices; Providing Penalties for Violation of Said Act; Repealing Sections 94-35-266, 94-35-267, and 94-35-268 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict With This Act; Providing a Savings Clause and Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Declaration of policy.** It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

Policy of state
to promote safe
use of vessels.

Section 2. **Definitions.** As used in this act, unless the context clearly requires a different meaning:

Definitions.

(1) "Vessel": for purposes of registration "vessel" shall mean those watercraft described under section 3 of public law 85-911, H.R. 11078 unless otherwise defined by the fish and game commission of the State of Montana as pertains to the safety regulations of this act "vessel" means every description of watercraft other than a seaplane on the water capable of being used as a means of transportation on water.

"Vessel."

(2) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

"Motor boat."

(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat or

"Owner."

vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Waters of this state."

(4) "Waters of this state" means any waters within the territorial limits of this state.

"Person."

(5) "Person" means an individual, partnership, firm, corporation, association or other entity.

"Operate."

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

"Board."

(7) The word "Board" shall mean the fish and game commission of the State of Montana.

Operation of
unnumbered
boats prohibited.

Section 3. Operation of unnumbered motorboats or vessels prohibited. Every motorboat or vessel on the waters of this state propelled by machinery of more than ten horsepower shall be numbered. No person shall operate or give permission for the operation of any motorboat or vessel on such waters unless the motorboat or vessel is numbered in accordance with this act, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, unless (1) the certificate of number awarded to such motorboat or vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on such motorboat or vessel.

Identification
number.

Application and
fee—certificate
of number.

Section 4. Identification number. (a) The owner of each motorboat or vessel requiring numbering by this state shall file an application for number with the board or its designated representative, on forms approved by the board. The application shall be signed by the owner of the motorboat or vessel, and shall be accompanied by a fee of three (\$3.00) dollars. Upon receipt of the application in approved form, the board shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to

the motorboat or vessel and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat or vessel, the identification number in such manner as may be prescribed by rules and regulations of the board, in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat or vessel for which issued, whenever such motorboat or vessel is in operation.

Marking of boat.

(b) The numbering requirements of this act shall apply to motorboats or vessels operated by manufacturers or dealers except that the description of the motorboat or vessel shall be omitted from the certificate of number and such number shall be permitted to be transferred from one vessel to another. In lieu of the descriptive material on said certificate of number the word "manufacturer" or "dealer" as appropriate, will appear on said certificate. The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to a vessel to be demonstrated or tested so long as the number is exhibited so as to in all other respects meet the requirements of act relating to display of numbers.

Operation of
boats by
manufacturer
or dealer.

(c) The owner of any motorboat or vessel already covered by a number in full force and effect, which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state, shall record the number prior to operating the motorboat or vessel on the waters of this state in excess of the ninety day reciprocity period provided for in section 6 (1) of this act. Such recordation shall be in the manner and pursuant to the procedure required for the award of number under subsection (a) of this section, except that no additional or substitute number shall be issued.

Recording of
existing number.

(d) Should the ownership of a motorboat or vessel change, a new application form with fee shall be filed with the board and a new certificate of number shall be awarded in the same manner as provided for in an or-

Change of
ownership.

iginal award of number, provided further that the number assigned may be determined by the board.

Federal
number system.

(e) In the event that an agency of the United States government shall have in force an over-all system of identification numbering for motorboats or vessels within the United States, the numbering system employed pursuant to this act by the board shall be in conformity therewith.

Award of
certificate.

(f) The board may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this act and with any rules and regulations of the board shall be valid as if awarded directly by the board.

Copies to
registrar of
motor vehicles.

(g) All records of the board made or kept pursuant to this act shall be public records; provided that the board shall submit to the registrar of motor vehicles of this state, correct copies of all certificates of registration issued pursuant to this act; and provided further that said registrar shall make said records immediately available to all law enforcement offices of this state.

Period of
certificate.

(h) Every certificate of number awarded pursuant to this act shall continue in full force and effect for a period not to exceed three years, unless sooner terminated or discontinued in accordance with the provisions of this act. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same. The board shall notify each owner of a registered vessel of expiration of registration a reasonable time prior to expiration of registration.

Lapse of
certificates.

(i) The board shall fix a day and month of the year on which certificates of number due to expire during

the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this act.

(j) In event of transfer of ownership, the purchaser shall furnish the board notice of the acquisition of all or any part of his interest other than the creation of a security interest in a motorboat or vessel numbered in this state pursuant to subsections (a) and (b) of this section, or of the destruction or abandonment of such motorboat or vessel, within reasonable time thereof. Such transfer, destruction or abandonment shall terminate the certificate of number for such motorboat or vessel except that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat or vessel, such transfer shall not terminate the certificate of number.

Notice of transfer of ownership, destruction, abandonment.

(k) Any holder of a certificate of number shall notify the board within reasonable time if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the board with his new address. The board may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

New address of holder.

(l) No number other than the number awarded to a motorboat or vessel or granted reciprocity pursuant to this act, shall be painted, attached or otherwise displayed on either side of the bow of such motorboat or vessel.

No other number marking.

Section 5. **Equipment.** Every vessel shall have aboard:

(1) One life preserver, buoyant vest, ring buoy or buoyant cushion of the type approved by the commandant of the United States coast guard in good and serviceable condition for each person on board; provided, that any

Life preservers required.

person or persons, twelve (12) years of age or younger, occupying a vessel while such vessel is in motion, shall have a life preserver of a type approved by the commandant of the United States coast guard securely fastened to his or her person.

Lights.

(2) When in operation during hours of darkness, a light sufficient to make the motorboat's or vessel's presence and location known to any and all other vessels within a reasonable distance.

Ventilation.

(3) If carrying or using any inflammable or toxic fluid in any enclosure for any purpose, and if not an entirely open motorboat or vessel, an efficient natural or mechanical ventilation system which shall be capable of removing resulting gases prior to, and during the time such motorboat or vessel is occupied by any person.

**Fire
extinguishers.**

(4) Every motorboat shall be provided with a reasonable number of fire extinguishers or other fire fighting device declared suitable by the board, capable of promptly and effectually extinguishing burning gasoline, which fire extinguishers shall be at all times kept in condition for immediate and effective use, and shall be so placed as to be readily accessible.

Flame arrester.

(5) Every motorboat or vessel shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with an efficient flame arrester, backfire trap, or other similar device.

**Authority of
board to
regulate.**

(6) The board is hereby authorized to make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States coast guard.

(7) No person shall operate or give permission for

the operation of a vessel which is not equipped as required by this section or modification thereof.

Operation of unequipped vessel prohibited.

Section 6. **Exemption from numbering provisions of this act.** A motorboat or vessel shall not be required to be numbered under this act, if it is:

Exemptions from numbering provisions.

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; provided, that such vessel shall not have been within this state for a period in excess of ninety (90) consecutive days.

(2) A vessel from a country other than the United States temporarily using the waters of this state.

(3) A vessel whose owner is the United States, a state or subdivision thereof.

(4) A ship's lifeboat.

Section 7. **Boat liveries.** (a) The owner of a boat livery shall cause to be kept a record of the name and address of the person or person hiring any vessel which is designated or permitted by him to be operated; the identification number thereof; and the departure date and time, and the expected time of return. The record shall be preserved for at least six (6) months.

Record of boat liveries.

(b) Neither the owner of a boat livery, nor his agent or employee shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat or vessel to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to section 5 of this act and any rules and regulations made pursuant thereto.

Operation of unequipped vessel prohibited.

Section 8. **Prohibited operation.** (a) No person shall operate or knowingly permit any person to operate, any

Prohibited operations—recklessness or negligence.

motorboat or vessel, or manipulate any water-skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

Intoxication.

(b) No person shall operate, or knowingly permit any person to operate, any motorboat or vessel, or manipulate any water-skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.

Disability.

(c) It shall be unlawful for the owner of any motorboat or vessel, or any person having such in charge or in control, to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.

Speed.

(d) No person shall operate, or knowingly permit any person to operate, any motorboat or vessel at a rate of speed greater than will permit such person, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead; provided, however, that nothing in this act is intended to prevent the operator of a vessel actually competing in a regatta which is sanctioned by an appropriate governmental unit from attempting to attain high speeds on a marked racing course.

Approach.

(e) No person shall make reckless approach to or passage by a dock, ramp, diving board or float.

**Skier's life
preserver.**

(f) Skiers being pulled by motorboats must have on their person a life preserver, buoyant vest or ring buoy.

**Rights of way
rules.**

Section 9. **Right of way.** (a) When two vessels are approaching each other "head on," or nearly so (so as to involve risk of collision), each vessel shall bear to the right and pass the other vessel on its left side.

(b) When vessels approach each other obliquely or at right angles, the vessel approaching on the right side has the right of way.

(c) One vessel may overtake another on either side but shall grant right of way to the overtaken vessel.

(d) When a sailboat and motorboat are operating as to involve a risk of collision with each other, the motorboat shall yield the right of way to the sailboat in all cases.

Section 10. **Restricted areas.** (a) No person shall so Restricted areas.
anchor a vessel or other obstacles for fishing or pleasure purposes, on any body of water over which the state has jurisdiction, in such a position as to obstruct a passageway ordinarily used by other vessels.

(b) No person shall operate a pleasure vessel within twenty (20) feet of the exterior boundary of a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

(c) Swimming areas shall be marked with yellow and red colored buoys by the owners of such areas.

(d) No person shall operate or knowingly permit any person to operate a vessel within twenty (20) feet of a person engaged in fishing without permission, or unless unavoidable.

Section 11. **Overloading and overpowering.** (a) No Overloading
prohibited.
vessel shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions.

(b) No vessel shall be equipped with any motor or Overpowering
prohibited.
other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction

of such watercraft and other existing operating conditions.

Duties in event
of accident.

Section 12. Collisions, accidents and casualties. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew and passengers (if any), to render to other persons affected by the collision, accident or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address and identification of his vessel in writing to any person injured and to the owner, or person in control of any property damaged in the collision, accident or other casualty.

Board to
distribute
accident report
forms.

(b) The board shall prepare and distribute to each sheriff's office of this state, a standardized accident report form; any person involved in a collision, accident or other casualty involving a death, personal injury or property damage in excess of one hundred dollars (\$100.00) shall immediately report such collision, accident or other casualty to the sheriff's office of the county in which the collision, accident or casualty occurred and fill out a standardized accident report form.

Duty to report
accident.

Duty of sheriff
to investigate
and report.

(c) It shall be the duty of any sheriff advised of a collision, accident or other casualty reported under this act; to (1) conduct an appropriate investigation of such collision, accident or other casualty and (2) to prepare and submit a report of the results of said investigation, together with the completed standardized accident report forms to the board.

Transmittal of
information.

Section 13. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the board pursuant to

section 12 (b) and (c) shall be transmitted to said official or agency of the United States.

Section 14. Water-skis and surfboards. (a) No person shall operate a vessel on any waters of this state towing a person or persons on water-skis, a surfboard, or similar device, nor shall any person engage in water-skiing, surf-boarding, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise; provided, however, that the provisions of this subsection do not apply to a performer engaged in a professional exhibition or a person or persons engaged in a regatta or race authorized under this act.

Night operation
of skis or
surfboards
prohibited.

(b) All right of way rules applying to the towing vessel shall apply.

Towing.

Section 15. Owner's civil liability. The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of the provisions of the statutes of this state, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable, however, unless such vessel is being used with his or her express or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his or her spouse, father, mother, brother, sister, son, daughter or other immediate member of the owner's family. Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

Owner's civil
liability.

Section 16. Filing of regulations. A copy of the regulations adopted pursuant to this act, and of any amend-

Filing of
regulations.

ments thereto, shall be filed in the office of the board and in the office of the secretary of state. Rules and regulations shall be published by the board in a convenient form and made easily available to all vessel operators.

Duty to enforce.

Section 17. It shall be the duty of the sheriffs of the various counties in state, and game wardens, or any peace officer in the State of Montana to enforce the sections of this law.

Penalties.

Section 18. **Penalty.** Violations of any section of this act shall be a misdemeanor and be punishable by fine of not less than ten dollars (\$10.00) or more than five hundred dollars (\$500.00) or by imprisonment up to thirty (30) days, or by both such fine and imprisonment.

Savings clause.

Section 19. **Savings clause.** If any competent court shall find any section or sections of this act to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining sections of this act which can be given effect.

Repealing clause.

Section 20. Sections 94-35-266, 94-35-267 and 94-35-268 of the Revised Codes of Montana, 1947, and any acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 21. This act shall be effective from and after the date of its passage and approval.

Approved March 18, 1959.